REMARKS

In the Office Action,[1] the Examiner objected to the specification for informalities; provisionally rejected claims 1, 3, 6, 7, 12, 14, 16, and 18 on the grounds of non-statutory obviousness-type double patenting over U.S. Patent Application No. 10/658,684 (the '684 application); rejected claims 1-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; rejected claims 1, 3-8, 10-12, 14-16, 18, and 19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,007,278 to Gungabeesoon ("*Gungabeesoon*"); and rejected claims 2, 9, 13, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Gungabeesoon* in view of "Database Performance in the Real World: TPC-D and SAP R/3" by Doppelhammer et al. ("*Doppelhammer*").

By this amendment, Applicants amend the specification and claims 1, 8, 12, and 16. Support for the amendments to the claims can be found in the specification at, for example, page 8, lines 12-22.

Objection to the Specification

The Examiner objected to the specification for the use of trademarks "Dynpro" and "Web Dynpro." Office Action, p. 2. In response, Applicants have amended the specification to capitalize these trademarks and accompany them with the trademark symbol "TM." Accordingly, Applicants request the Examiner to withdraw this objection.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Provisional Non-Statutory Obviousness-Type Double Patenting Rejection

Applicants respectfully traverse the provisional non-statutory obviousness-type double patenting rejection of claims 1, 3, 6, 7, 12, 14, 16, and 18, and request that the rejection be held in abeyance. The '684 application is currently pending and, thus, no double patenting circumstances can arise until a patent is granted. Since no patent has apparently issued from the '684 application, Applicants respectfully request that the provisional rejection be held in abeyance and any resolution in the form of a terminal disclaimer or otherwise be deferred.

Applicants further note that MPEP § 804 addresses the situation of two co-pending applications. The section indicates that "[t]he 'provisional' double patenting rejection should continue to be made by the examiner in each application . . . unless that 'provisional' double patenting rejection is the only rejection remaining in one of the applications. If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." See MPEP § 804. Therefore, Applicants request the provisional double-patenting rejection be withdrawn should it be the only remaining rejection in this application or the '684 application and neither application has resulted in a granted patent.

Rejection of Claims 1-11 Under 35 U.S.C. § 101

Applicants respectfully traverse the rejection of claims 1-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. However, to advance prosecution, Applicants have amended independent claims 1 and 8 to recite "a machine-readable storage device," as the Examiner suggested. See Office Action, p. 7. Accordingly, Applicants request the Examiner to reconsider and withdraw the rejection of claims 1-11 under 35 U.S.C. § 101.

Rejection of Claims 1, 3-8, 10-12, 14-16, 18, and 19 Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 1, 3-8, 10-12, 14-16, 18, and 19 under 35 U.S.C. § 102(e) as being anticipated by *Gungabeesoon*.

Independent claim 1, as amended, recites a combination including, for example, "the converted design-time representation is stored as metadata in a metadata repository, the converted design-time representation having been developed by a development tool based on a metamodel that defines metamodel objects." *Gungabeesoon* does not teach or suggest at least these features of claim 1.

Gungabeesoon discloses enabling a user to run a legacy application without any code change by intercepting and redirecting data between the user and the application. See *Gungabeesoon*, Abstract. In the Office Action, the Examiner appears to allege that the converted user interface pages 520 of *Gungabeesoon* correspond to Applicants' claimed converted design-time representation. See Office Action, p. 8. Applicants respectfully disagree. However, even assuming that the converted user interface pages 520 of *Gungabeesoon* correspond to Applicants' claimed converted design-time

representation, *Gungabeesoon* does not teach or suggest that the converted user interface pages 520 "[are] stored as metadata in a metadata repository" or that the converted user interface pages 520 are "developed by a development tool based on a metamodel that defines metamodel objects." In fact, *Gungabeesoon* is silent with respect to any metadata repository. Accordingly, *Gungabeesoon* does not teach or suggest "the converted design-time representation is stored as metadata in a metadata repository, the converted design-time representation having been developed by a development tool based on a metamodel that defines metamodel objects," as recited in claim 1. For at least this reason, *Gungabeesoon* fails to anticipate claim 1.

Furthermore, independent claims 8, 12, and 16, although different in scope from claim 1, have been amended to include similar recitations as claim 1. Accordingly, *Gungabeesoon* does not teach or suggest each and every element of claims 8, 12, and 16 for at least the reasons set forth above with respect to claim 1. In addition, dependent claims 3-7, 10, 11, 14, 15, 18, and 19 are allowable over *Gungabeesoon* at least by virtue of their dependence from allowable base claims 1, 8, 12, and 16. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 3-8, 10-12, 14-16, 18, and 19 under 35 U.S.C. § 102(e).

Rejection of Claims 2, 9, 13, and 17 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 2, 9, 13, and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Gungabeesoon* in view of *Doppelhammer* because a *prima facie* case of obviousness has not been established.

In the Office Action, the Examiner cited *Doppelhammer* as a teaching of several elements of claims 2, 9, 13, and 17 in support of this rejection. See Office Action, pp. 16-18. Although Applicants disagree with the Examiner, even assuming that the Examiner's characterization of *Doppelhammer* is correct, *Doppelhammer* fails to cure the deficiencies of *Gungabeesoon* discussed above. That is, *Doppelhammer* also does not teach or suggest "the converted design-time representation is stored as metadata in a metadata repository, the converted design-time representation having been developed by a development tool based on a metamodel that defines metamodel objects," as recited in independent claims 1, 8, 12, and 16, and required by dependent claims 2, 9, 13, and 17. Therefore, *Gungabeesoon* and *Doppelhammer*, whether taken alone or in any reasonable combination, fail to teach each and every element of claims 2, 9, 13, and 17. Accordingly, a *prima facie* case of obviousness has not been established. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 2, 9, 13, and 17 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____
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For Reg. No. 36,743